

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**TODD J. KOHL,**

**Plaintiff,**

**and**

**Case No. 16-CV-1021**

**GOLDEN RULE INSURANCE COMPANY,**

**Involuntary Plaintiff,**

**vs.**

**WERNER CO., NEW WERNER CO.,  
NEW WERNER HOLDING CO. (DE), INC.,  
BB INSURANCE COMPANY,**

**Defendants.**

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**ORDER**

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On September 5, 2018, the defendants filed an expedited non-dispositive motion to compel the plaintiff to allow them to remove the galvanized metal plate and duct tape from the subject ladder to complete their examination of the ladder rungs. (Docket # 95.) The plaintiff responded the next day, stating that he is not seeking to prevent the defendants from viewing the ladder and having the protective barriers removed and asked the defendants' counsel to contact him to schedule a time for the requested inspection. (Docket # 96.) Based on the plaintiff's representations, the defendants' motion is denied as moot.

A motion to compel discovery pursuant to Fed. R. Civ. P. 37 requires the moving party to include a certification that the movant has in good faith conferred or attempted to confer with the other party prior to requesting court action. *See also* Civil L. R. 37 (E.D.

Wis.). The defendants' motion does not contain this certification. The reason for this requirement is to avoid the filing of unnecessary motions. I reiterate that Rule 37 and Civil L.R. 37 state that the motion "must" include the certification. Thus, the certification is a requirement. The parties are on notice that further motions pursuant to Rule 26 or Rule 37 will not be entertained without inclusion of the required certification.

**SO ORDERED.**

Dated at Milwaukee, Wisconsin this 10<sup>th</sup> day of September, 2018.

BY THE COURT:

*s/Nancy Joseph*  
NANCY JOSEPH  
United States Magistrate Judge